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10/623,508	07/22/2003	Sang Won Chung	CHUN3059/EM	5802

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EXAMINER

CAO, PHUONG THAO

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/623,508

Applicant(s)

CHUNG, SANG WON

Examiner

Phuong-Thao Cao

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to Amendment filed on 5/15/2006.
  2. Claims 1 and 9 have been amended and claims 4 and 10-18 have been cancelled.
- Currently, claims 1-3 and 5-9 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed on 05/15/2006 have been fully considered but they are not persuasive.

Regarding Applicant's statement that "the Shah patent does not teach modification of application programs by adding pointers to the application streaming file system", Shah et al. teach the modification of the application programs (see [0084] wherein the streaming-enabled form of an application is the modification of the application) and the inclusion of pointers to the application streaming file system (see [0210] wherein the disclosure of operation system directing all data requests to it to the client application streaming software (also know as application streaming file system [0186]-[0187]) implies that the application must have some kind of pointers to the file streaming functions so that the operating system can identify and direct all its requests to the application streaming file system for processing; also see [0141]).

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (Publication No US 2002/0091763).

As to claim 1, Shah et al. teach:

“A method of controlling a user application program executed in a client computer” (see [0082]-[0085]), comprising the step of:

“if the user application program does not include a pointer to a file streaming readout function, replacing an existing pointer to a readout function with a substitute pointer to the file streaming readout function” (see [0141] wherein the disclosure of Client Streaming File System instead of the operating system serves all file system requests made by application implies that the application must include some pointer to functions of the streaming file system instead of functions of the operating system; and in order for application to execute properly in the client, the pointer to functions of file system of the operating system (for instance, a readout function)

must be replaced by pointer to functions of the streaming file system (for instance, a file streaming readout function) as illustrated in Applicant's claim language), wherein the file streaming readout function carries out the following steps:

“receiving a file readout request for a file from the user application program” (see [0202] wherein a request for code or data is equivalent to Applicant's “a file readout request”; also see [0141]);

“determining whether the file is stored in the client computer” (see [0196] and [0197]);

“if it is determined that the file has been stored in the client computer, forwarding data of the file to the user application program” (see [0197]); and

“if it is determined that the file has not yet been stored in the client computer, receiving some of the data of the file from a predetermined server with the file stored therein and storing the some of the data in the client computer and forwarding the received data to the user application program, the predetermined server being connected to the client computer through a network” (see [0188], [0196], [0197] and [0202]).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

“wherein the step of receiving some of the data is performed by using data offsets of the file and the size of some of the data to be received” (see [0188]).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

“continuously executing the user application program in the state where only some of the data are received but all data of the file have not yet been received” (see [0186]).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

“wherein the step of receiving the data of the file from the predetermined server with the file stored therein and caching the received data in the client computer” (see [0186] and [0202]).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

“identifying a second client computer with the file stored therein” (see [0664], [0679], and [0694]-[0699] wherein “page” is equivalent to Applicant’s “file”); and

“receiving the file from the identified second client computer and transferring the received file to the user application program” (see [0679] and [0694]-[0699]).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

“while the file readout request is not received from the user application program, receiving data expected to be required by the user application program from a second client computer with the data stored therein and storing the received data” (see [0142], [0154], [0210] and [0694] wherein the disclosure of prefetching and getting data using peer-caching mechanism is equivalent to Applicant’s claim language).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 7 and is similarly rejected including the following:

Shah et al. teach:

“wherein determination on the data expected to be required by the user application program is made based on data that have been request by the user application program upon previous execution of the user application program” (see [0087] and [0210]).

As to claim 9, Shah et al. teach:

“A method of controlling a user application program executed in a client computer” (see [0084] and [0085]), comprising the step of:

“if the user application program does not include a pointer to a file upload function, replacing an existing pointer to a file-writing function with a substitute pointer to the file upload function” (see [0141] wherein the disclosure of Client Streaming File System instead of the operating system serves all file system requests made by application implies that the application must include some pointer to functions of the streaming file system instead of functions of the

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operating system; and in order for application to execute properly in the client, the pointer to functions (for instance, file-writing function) of file system of the operating system must be replaced by pointer to functions (for instance, file upload function) of the streaming file system as illustrated in Applicant's claim language), wherein the file upload function carries out the following steps:

“receiving a file-writing request for a file from the user application program” (see [0187]);

“determining whether it is necessary to upload the file to a predetermined server that is connected to the client computer through a network” (see [0782] and [0083] wherein request to write is equivalent to Applicant's “file-writing request” and the disclosure of examining the request and deciding whether to deny it or grant it is equivalent to determining whether it is necessary to upload the file to a predetermined server as illustrated in Applicant's claim language; also see [0221]);

“if it is determined that it is necessary to upload the file to the server, uploading the file to the server” (see [0782]); and

“if it is determined that it is not necessary to upload the file to the server, writing the file in the client computer” (see [0218] and [0219] wherein configuration or initialization files is written on the client through a local copy-on-write file system).



*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

June 23, 2006

*Jules Wasserman*  
Primary Examiner  
Art Unit 2167